

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 3, 2009. At the time of the Office Action, Claims 23-40 were pending in this Application. Claims 23-40 were rejected. Claims 1-22 were previously cancelled without prejudice or disclaimer. Claims 23 and 31 are herein amended. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 23-28, 30-36 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,101,393 issued to Vladimir Alperovich, et al. (“*Alperovich*”) in view of U.S. Patent No. 6,608,888 issued to James Carlton Bedingfield, et al. (“*Bedingfield*”).

Claims 29 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alperovich* in view of *Bedingfield* and further in view of U.S. Patent No. 6,678,361 issued to Michael Rooke, et al. (“*Rooke*”).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Amended Independent Claims 23 and 31 are Allowable.

Applicants respectfully submit that the cited art combinations, even if proper, which Applicants do not concede, do not render Applicants' claims 23 and 31 obvious. Applicants do not agree with several of the Examiner's positions set forth in the Final Office Action. However, in order to advance prosecution, Applicants have amended independent Claims 23 and 31 to more clearly recite the inventive features in order to distinguish from the cited references.

Amended Claim 23 now recites:

23. A method for blocking undesirable messages in a mobile radio system, the method comprising:

receiving a message from an anonymous sender at a service provider;

transmitting a message available notification and an identification signal from the service provider to a recipient serviced by the service provider, the message available notification notifying the recipient that the message is ready for download by the recipient, wherein the identification signal is usable by the service provider, but not the recipient, for identifying the anonymous sender;

receiving a request from the recipient to the service provider, the request comprising at least the identification signal received by the recipient with the message available notification if the recipient wants to have the sender of the message put on a list of exclusions; and

adding the sender to the list of exclusion based at least on the identification signal such that the message is not received by the recipient.

None of the cited references -- *Alperovich*, *Bedingfield*, or *Rooke* -- teach these features. First, the cited references do not teach transmitting an identification signal (usable by the service provider, but not the recipient, for identifying an anonymous sender) along with a message available notification that notifies the recipient that a message is ready for download by the recipient. Instead, the passages cited by the Examiner allegedly teach sending an identification signal along with the message itself. In particular, the Examiner alleges that the step of transmitting an identification signal from the service provider to the

recipient is taught by *Alperovich* at col. 6, lines 15-20 (Final Office Action, page 2). That section teaches:

Additionally, the origin identifiers listed on the lists could be something other than MSISDN or IMSI numbers associated with a single originating entity. An origin identifier could also include a group or type identifier. In this way, the origin identifier could even function as a password accompanying the transmission of a point-to-point short message.

Applicants maintain that this passage does not teach transmitting an identification signal from the service provider to the recipient. However, even if it did teach transmitting an identification signal from the service provider to the recipient, the alleged identification signal (“origin identifier”) accompanies a point-to-point short message. Thus, even under the Examiner’s interpretation, this passage teaches sending the identification signal along with the short message itself, rather than sending the identification signal along with a message available notification that notifies the recipient that a message is ready for download by the recipient. This distinction is important because (under the Examiner’s interpretation) the recipient in *Alperovich* would not be able to avoid receiving the short message with which the identification signal is sent.

Second, the cited references do not teach “receiving a request from the recipient to the service provider, the request comprising at least the identification signal received by the recipient with the message available notification if the recipient wants to have the sender of the message put on a list of exclusions.” There is no teaching in any of the cited references of a message recipient sending a sender-exclusion exclusion request that includes an identification signal received by the recipient with a message available notification. The Examiner alleges that *Alperovich* at col. 5, lines 51-66 teaches receiving a sender-exclusion request from the recipient to the service provider. That section teaches:

Reference is now made to FIG. 6, which is a block diagram showing components involved in the screening mechanism 200 update procedure. To change SMS delivery-selection criteria or add or remove MSISDN numbers from either respective list, 220 or 230, a subscriber simply initiates an update routine directly from the MS 20. In the preferred embodiment, the update routine is accomplished using an Unstructured Supplementary Service Data (USSD) procedure to interactively transmit the update information from the MS 20 to the BS 24 (step J) and then to the MSC/VLR

14 (step K) currently serving the MS 20, as also illustrated in FIG. 1. As shown in FIG. 6, the MSC/VLR 14 then sends (step L) the USSD update transmission on to the HLR 26. Preferably, the HLR 26 generates an acknowledgment signal (steps M-0) for transmission back to the MS 20, indicating the success or failure of the update procedure.

Even if this passage does teach receiving a sender-exclusion request from the recipient to the service provider, it does not teach that the sender-exclusion request includes an identification signal received by the recipient with a message available notification. There is no indication in the cited passage that the procedure for updating lists 220 or 230 includes a request from the message recipient that includes an identification signal that is received by the recipient from a service provider. Further, there is certainly no indication in the cited passage that the procedure for updating lists 220 or 230 includes a request from the message recipient that includes an identification signal that is received by the recipient along with a message available notification.

Second, the cited references do not teach “adding the sender to the list of exclusion based at least on the identification signal such that the message is not received by the recipient.” As discussed above, the passages cited by the Examiner allegedly teach an identification signal sent to the recipient along with the short message itself, rather than along with a message available notification that notifies the recipient that a message is ready for download. Thus, even assuming the Examiner’s interpretation of the cited references is correct, the methods of the cited references do not allow the recipient to exclude a sender without receiving the actual message.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claims 23 and 31, as well as all claims that depend therefrom.

Independent Claims 39 and 40 are Allowable.

As discussed above, independent Claims 39 and 40 stand rejected based on a proposed combination of *Alperovich* with *Bedingfield*. Applicants respectfully submit that this proposed combination, even if proper (which Applicants do not concede), does not render Applicants’ claims 39 and 40 obvious. In particular, *Alperovich* and *Bedingfield* do

not teach every limitation of claims 39 and 40. For example, *Alperovich* and *Bedingfield* do not teach “transmitting the message and an identification signal from the service provider to a recipient serviced by the service provider, the identification signal comprising an alias name for the sender,” as recited in Claims 39 and 40.

The Examiner alleges that *Bedingfield* teaches “wherein the notification to the service provider contains the alias [alternative] name as an identification signal.” (Final Office Action, page 8). However, Applicants cannot find support for this in *Bedingfield*. Nothing in paragraphs 0062-0067 mentions the use of an alternative name, much less an alias, as an identification signal. In fact, there is not a single instance of the word “alternative” in *Bedingfield*. Applicants also note that an alias is not just an alternative name, but an alternative name that prevents the recipient from identifying the sender. *Bedingfield* simply does not teach using an alias as an identification signal. If the Examiner wishes to maintain this rejection, Applicants request that the Examiner indicate the exact paragraph and text that allegedly teaches “the identification signal comprising an alias name for the sender.”

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 39 and 40.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose a Request for Continued Examination (RCE) and authorize the Commissioner to charge \$810.00 (RCE fee) to Deposit Account No. 50-4871 of King & Spalding LLP.

Applicants respectfully submit a Petition for Two-Month Extension of Time. The Commissioner is authorized to charge the fee of \$490.00 required to Deposit Account 50-4871 of King & Spalding LLP in order to effectuate this filing.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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Date: June 8, 2009

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